REMARKS

In response to the Official Action mailed October 7, 2003, Applicants request reconsideration. In this Amendment it is proposed to cancel claims 11-20 leaving claims 1-10 pending. Of claims 1-10, claim 1 is a generic claim and, pursuant to the species election requirement, claims 4, 5, and 7-10 have been withdrawn from examination.

In the Official Action mailed October 7, 2003, the Examiner took the view that newly submitted claims 11-20 were directed to a different invention from claims 1-10. Applicants sincerely disagree. Rather, claims 11-20 merely provide a more specific description of some of the steps described in claims 1-10. In order to expedite the prosecution of this patent application, claims 11-20, which the Examiner withdrew from consideration, are proposed to be cancelled.

The examined claims were again rejected for the same reason they were rejected in the previous Official Action, namely the assertion that claim 1 was unpatentable over Chun (U.S. Patent 6,486,058) in view of Shinogi et al. (U.S. Patent 6,479,900, hereinafter Shinogi). Claims 2, 3, and 6 were rejected on the same basis but in view of further references.

In the prior response, filed September 23, 2003, Applicants relied upon the priority date of their Japanese patent application and submitted, pursuant to 37 CFR 1.55, a certified English language translation of their priority Japanese patent application. This priority date precedes the effective date of Chun so that Chun must be removed as a reference upon the perfection of the priority date and proof that the claims under examination are supported, as required pursuant to 35 USC 112, second paragraph, by the disclosure of the priority patent application.

In reply to the perfection of the priority claim, the Examiner stated that "the certified English translation is not a literal translation of the U.S. application because it lacks Fig. 7 (Evaluation Board A vs. Evaluation Board B) and Tables 4 and 5." Of course, Applicants understand that this statement contains errors and that reference was intended to be made to the English language translation of the Japanese priority application, not the U.S. patent application, which is in the English language.

The assertion that a priority application must be identical in every respect to a U.S. patent application misapprehends the requirements of 37 CFR 1.55 and 35 USC 119. The question to be resolved by the Examiner is not whether there is an identity between the U.S. patent application and the foreign patent application from which priority is claimed, but whether the claims currently under prosecution in the United States have the support required pursuant to 35 USC 112, second paragraph in the priority application. If there is such support here, Chun

cannot be relied upon as a reference in rejecting the claims, the rejection must be withdrawn, and the claims allowed, unless a new non-final rejection based upon newly cited prior art is made.

It is Applicants' view that the Japanese priority patent application fully supports the claims being prosecuted. Because of the errors in the Official Action, the undersigned representative of the Applicants requested that supervisory review be given to the Official Action of October 7 and the refusal to accord proper benefit to the Japanese priority patent application. Because of that request, the application file was inspected by Examiner Dexter A. Tugbang. His findings are reported in an interview summary mailed October 23, 2003. Examiner Tugbang determined that there is support for the claims of the U.S. patent application in the Japanese priority application that meets the requirements of 35 USC 112, first paragraph. Thus, Chun can no longer be properly applied as a reference in rejecting the claims.

Accordingly, Applicants request that the present rejection be withdrawn, that the claims currently withdrawn from examination be rejoined to the prosecution, and that all of claims 1-10 be allowed.

Respectfully submitted,

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